IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 208 of 2006 (M/B)

Prem Swaroop Saklani,
S/o Late Sri Jyoti Swaroop Saklani,
R/o C-10, Mauris Nagar, Delhi University,
Delhi – 110007. …….. Petitioner

Versus

1. Director, Rehabilitation,
   Tehri Dam Project, New Tehri,
   District Tehri Garhwal.
2. Executive Engineer,
   Investigation & Planning Division-1st,
   (Rural Rehabilitation), Pashulok,
   Rishikesh, District Dehradun.
3. Sub Divisional Magistrate,
   Investigation & planning Division-1st,
   (Rural Rehabilitation), Pashulok,
   Rishikesh, District Dehradun.
4. Khushnu @ Roshan Lal,
   S/o Sri Dayalu,
   R/o C/o Sub Divisional Magistrate,
   Investigation & Planning Division-1st,
   (Rural Rehabilitation) Pashulok,
   Rishikesh, District Dehradun. …….. Respondents

Mr. Rajendra Dobhal, Advocate for the petitioner.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Rajendra Dobhal, Advocate for the petitioner.

He is heard.

2. Petitioner Prem Swaroop Saklani has filed this writ petition for the following reliefs:

> "i. Issue a writ, order direction in the nature of Certiorari, calling for the records and quashing the impugned order dated 21.1.2006 (Annexure No. 4 to this writ petition), passed by the Sub Divisional Magistrate, Investigation and Planning Division-1st, (Rural Rehabilitation), Rishikesh, District Dehradun.

ii. issue a writ , order or direction in the nature of Mandamus, commanding the respondent authorities to utilize the plot in dispute i.e. plot no. 547-A, area 40 sq.m., situated at Rehabilitation Place, Banjarawal, District Dehradun, for public utility.

iii. pass any other and further orders, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

iv. award the cost of writ petition to the petitioner."

3. The petitioner's main grievance appears to be against the allotment of Plot No. 547-A measuring 40 Square Meters to fourth respondent Khushnu alias Roshan Lal.

4. The petitioner and the fourth respondent were allotted plots measuring 200 Square Meters under the Rehabilitation Scheme for the persons who were adversely affected on account of the construction of Tehri Dam. The petitioner was allotted Plot No. 547, whereas fourth respondent Khushnu alias Roshan Lal was allotted Plot No. 295-A. From Annexure 4, we gather that on physical verification, it was found that Plot No. 295-A, in fact, was of 160 Square Meters only and not of 200 Square Meters. The authorities, therefore, allotted Plot No. 547-A measuring 40 Square Meters to respondent No. 4 vide Annexure 4 to make up the total area of the land allotted to the fourth respondent to 200 Square Meters.

5. Admittedly, Plot No. 547-A was never allotted to the petitioner. As such, the petitioner has no right to the said plot. The petitioner, therefore, has no right to object to the allotment of the said plot to the fourth respondent.

6. In this view of the matter, we do not find any substance in the writ petition. The writ petition, therefore, fails and is, hereby, dismissed.

(M.M. Ghildiyal, J.) **(Rajeev Gupta, C.J.)**
02.03.2006 **02.03.2006**

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